

PATENT**Docket No. 1232-4442**
S/N 09/075.885**REMARKS****Claim Status**

Claims 2-23 and 25-38 are pending. Of the pending claims, claims 6, 11, 15, 23, 25, 26, 30-35, 37 and 38 are independent in form.

Claims 2-5, 23, 25, 31, 32, 37 and 38 have been allowed; claims 9, 10, 14, 18 and 29 have been objected to; and, claims 6-8, 11-13, 15-17, 19-22, 26-28, 30 and 33-36 have been rejected. By this Amendment, claims 6, 11, 15, 19, 21, 26, 30 and 33-36 are amended, and claims 14, 18 and 29 have been canceled without prejudice or disclaimer, rendering the objections as to claims 14, 18 and 29 moot. No new matter has been added.

Claim Objections

Claim 19 has been objected to for depending from a canceled claim. Claim 19 has been amended to depend from claim 6.

Rejections Under 35 USC §103

Claims 6-8, 11-13, 15-17, 19-22, 26-28, 30 and 33-36 and 11 have been rejected under 35 USC §103(a) as allegedly being unpatentable over USP 5,442,453 to Takagi et al. ("Takagi") in view of USP 5,737,646 to Nakajima et al. ("Nakajima"). (See Office Action, ¶1, pp. 3-9.) Applicants respectfully traverse the rejections of these claims.

Claims 11, 15, 26, 30, 34 and 35

The Examiner states that claims 14, 18 and 29 contain allowable subject matter, which indication is gratefully acknowledged. (See Office Action, page 11, line 12 to page 13, line 13.)

PATENT

Docket No. 1232-4442
S/N 09/075,885

Applicants have accordingly amended independent claims 11, 15 and 26 to incorporate the features of claims 14, 18 and 29, respectively. Also, Applicants have amended independent claims 34, 35 and 30 to incorporate the features of claims 14, 18 and 29, respectively. In addition, claims 34 and 35 recite similar features as claims 11 and 15 in alternate fashion and claim 30 is storage medium claim corresponding to claim 26

Applicants thus believe these claims (11, 15, 26, 30, 34 and 35) to be allowable.

Claims 6 and 33

The Examiner points out that Takagi does not disclose moving the lens to the wide angle side or controlling distance to the subject to a short distance, if the inversion detection switch is activated. (See Office Action, p. 4, lines 4-7.) Also, the Examiner states that Nakajima discloses, upon selection of a portrait mode, a distance from the camera to the subject is set (at 3m) and a zooming operation is executed automatically to obtain optimum magnification. (See Nakajima at col. 4, lines 4-54; Office Action, p. 4, lines 11-14.)

However, first, the control circuit 11 of Nakajima reads light measuring data from light measuring unit 15 and reads distance measuring data measured by the distance measuring unit, and then judges which mode should be performed based on the read light and distance measuring data. (See Nakajima at col. 5, lines 1-15.)

In contrast, the image sensing apparatus of the present invention controls the sensed-image magnification of the zoom lens and distance to the subject, regardless of status of the subject. That is, the image sensing apparatus of the present invention does not judge which mode should be performed based on the read light and distance measuring data.

PATENT**Docket No. 1232-4442
S/N 09/075,885**

Moreover, in any mode of Nakajima, the control circuit 11 does not control both the sensed-image magnification of the zoom lens and distance to the subject. More specifically, in portrait mode, the zooming operation is executed automatically to obtain the optimum image magnification (1/40) for portrait (see Nakajima, col. 4, lines 36-39), but the distance limitation is not applied (see, col. 5, lines 32-36).

Therefore, Nakajima cannot teach or suggest that the control mean/unit controls regardless of status of the subject, or control both the sensed-image magnification of the zoom lens and distance to the subject, as recited in claims 6 and 33.

Accordingly, for at least the stated reasons, independent claims 6, 11, 15, 26, 30, 33, 34 and 35, and the claims depending therefrom, are submitted to be patentably distinguishable over Takagi, taken alone or in combination with the other art of record, including Nakajima.

Dependent Claims

Applicants traverse the rejections of the dependent claims but have not independently addressed the rejections of the dependent claims because Applicants submit that the dependent claims are also allowable for at least similar reasons as stated for the independent claims from which they depend. Applicants however, reserve the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

Thus, Applicants respectfully submit that the invention as recited in the claims presented herein, are not taught or suggested by, and neither anticipated by nor rendered obvious in view of, and thus patentably distinct over, the art of record, taken individually or in combination.

PATENT

Docket No. 1232-4442
S/N 09/075,885CONCLUSION

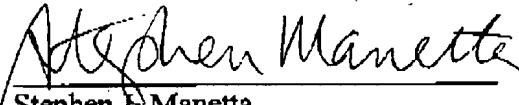
Accordingly, Applicants submit that the claims as herein presented are allowable over the prior art of record and that the respective rejections and objections be withdrawn.

Applicants respectfully submit that this application is hereby placed in condition for allowance, which action is respectfully requested.

Applicants believe no fee nor extension of time is required for this filing. However, should an extension of time be necessary to render this filing timely, such extension is hereby petitioned, and the Commissioner is hereby authorized to charge any additional fees that may be required for this paper, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-4442.

Respectfully submitted,
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By:


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